

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Tuesday, July 5, 2016  
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Nichols, Taylor, Collier, Keehan, Zelinski, Spencer, Benner

EXCUSED: Alderman Krautkramer

ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, ASD Steeno, PRD Tungate, AS Englebert, FM Sassman, AFC Green, Clerk Galeazzi.

DEPT. HEADS EXCUSED: PHD McKenney

D. PUBLIC HEARING

None

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY

(five (5) minute time limit for each person)

Kathy Stahl, 225 Railroad Street, Menasha. Parks & Recreation sponsorship letter.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Presentation by Simply Incredible Foods

Jonathon Smith and Christine Sohns from Simply Incredible Foods updated the Council on their cranberry business. They have been operating for a little over a year and employ 15-18 people. They are looking for a buyer for the turbine that is located in the building. The next big project will be to replace windows. Their cranberry product is currently being sold at Festival Foods, Woodman's, and Third Street Market.

2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:  
Minutes to receive:

- a. [Administration Committee, 6/16/2016](#)
- b. [Library Board, 6/22/2016](#)
- c. NMFR Joint Finance and Personnel Commission, [6/22/2016](#) & [6/28/2016](#)
- d. [Plan Commission, 6/21/2016](#)
- e. [Redevelopment Authority, 6/28/2016](#)

Communications:

- f. [Clerk Galeazzi Memo on Council Workshops](#)

Moved by Ald. Benner seconded by Ald. Keehan to receive Minutes and Communications a-f  
General discussion ensued on signage on Broad Street parking ramp; NMFR Joint Finance Personnel Commission minutes-policy for employees that are off for non-work related injuries, light duty policy.  
Motion carried on voice vote.

## G. CONSENT AGENDA

(Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Alderman and place immediately following action on the Consent Agenda. The procedures to follow for the Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from Consent Agenda.)

Minutes to approve:

1. [Common Council, 6/20/2016](#)

Administration Committee, 6/20/2016, Recommends to:

2. Change the daily boat launch fee from \$5 to \$6 beginning January 1, 2017, and to budget a set amount of this additional revenue to be placed into a trust fund administered by the Neenah-Menasha Joint Finance and Personnel Committee for water rescue on an annual basis.
3. Add a donation line to the daily and annual boat launch permit forms.

NMFR Joint Finance and Personnel Committee, 6/28/2016, Recommends the approval of :

4. [The proposed ordinance change to Menasha ordinances Sec. 5-3-3 Smoke Detector Requirement to impose a special charge.](#)
5. [The Wisconsin Administrative Code Chapter ATCP 93 Local Program Operator Contract between Wisconsin Department of Agriculture, Trade, and Consumer Protection and Neenah-Menasha Fire Rescue for a time period of January 1, 2016 through December 31, 2017 and authorize Chief Kevin Kloehn to sign this contract on behalf of Neenah-Menasha Fire Rescue.](#)

Plan Commission, 6/21/2016, Recommends Approval of:

6. [The Certified Survey Map at Lake Cottages Estate with the following conditions prescribed by the DOT along with the DOT notation be added to the CSM:](#)
  - a. [All lots within the boundaries of this survey are restricted to Residential/Non-Commercial use only;](#)
  - b. [No direct Public Road Connection will be allowed within the boundary of this CSM; and](#)
  - c. [The Public Road shall be extended if either the Fire Lane 3 \(north extension\) or Kernan Ave \(or new road connection to it\) is connected to the boundary of this CSM.](#)[It is expressly intended that these restrictions are for the benefit of the public and enforceable by the Wisconsin Department of Transportation or its assigns.](#)

Ald. Spencer requested to remove item 2 from Consent Agenda. Ald. Taylor requested to remove item 4 from Consent Agenda. Ald. Benner requested to remove item 6 from Consent Agenda.

Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda items 1, 3, & 5.  
Motion carried on roll call 7-0.

## H. ITEMS REMOVED FROM THE CONSENT AGENDA

1. Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda item 2, Change the daily boat launch fee from \$5 to \$6 beginning January 1, 2017, and to budget a set amount of this additional revenue to be placed into a trust fund administered by the Neenah-Menasha Joint Finance and Personnel Committee for water rescue on an annual basis.

General discussion ensued on annual amount collected from boat launch fees and how much is budgeted for upkeep of boat launches; Council can determine amount to go towards water rescue at budget time.

Motion carried on roll call 4-3.

Ald. Nichols, Taylor, Keehan, Benner voted yes. Ald. Collier, Zelinski, Spencer voted no.

Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda item 4, the proposed ordinance change to Menasha ordinances Sec 5-3-3 Smoke Detector Requirement to impose a special charge.

General discussion ensued on the requirement to have detectors in homes; cost of installing detectors; donations received for detectors; notification to property owners.

Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM THE CONSENT AGENDA, cont'd.

Moved by Ald. Benner seconded by Ald. Collier to approve Consent Agenda item 6, The Certified Survey Map at Lake Cottages Estate with the following conditions prescribed by the DOT along with the DOT notation be added to the CSM:

- a. All lots within the boundaries of this survey are restricted to Residential/Non-Commercial use only;
- b. No direct Public Road Connection will be allowed within the boundary of this CSM; and
- c. The Public Road shall be extended if either the Fire Lane 3 (north extension) or Kernan Ave (or new road connection to it) is connected to the boundary of this CSM.

It is expressly intended that these restrictions are for the benefit of the public and enforceable by the Wisconsin Department of Transportation or its assigns.

General discussion ensued on requirement of DOT.

Motion carried on roll call 7-0.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 6/23/2016-6/30/2016 in the amount of \\$1,528,697.88](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve accounts payable and payroll.

Ald. Nichols requested to separate check #54413 to Rebecca Nichols. She will be abstaining from voting on this check.

Motion to approve accounts payable and payroll excluding check #54413 carried on roll call 7-0.

Motion to approve check #54413 carried on roll call 6-0. Ald. Nichols abstained.

2. [Beverage Operators License Applications for the 2015-2017 licensing period.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve beverage operator's license applications as listed in memo dated 6/29/16.

Motion carried on roll call 7-0.

3. Authorization for the City of Menasha to challenge The Village of Harrison Annexations

- i. [Luniak Annexation, May 31, 2016](#)
- ii. [Smith & Wosner Annexation, May 31, 2016](#)

CA Captain explained the City is currently in litigation with Village of Harrison for annexation of property within the City's growth area. There are two more recent annexations in the City's growth area. She is asking if the Council would like to challenge these annexations.

Moved by Ald. Keehan seconded by Ald. Collier to authorize City Attorney to challenge the Village of Harrison Annexations - Luniak Annexation and Smith & Wosner Annexation.

Motion carried on roll call 7-0.

J. HELD OVER BUSINESS

1. [Liquor License Applications for 2016-2017 licensing year.](#)

a. Liquor License Application for Rebecca Mader, d/b/a Your Daily Grind, 204 Main Street  
Clerk Galeazzi reported all financial obligations to the City are current. Staff recommends approving the liquor license.

Moved by Ald. Taylor seconded by Ald. Keehan to approve liquor license application for Rebecca Mader, d/b/a Your Daily Grind, 204 Main Street.

Motion carried on roll call 7-0.

J. HELD OVER BUSINESS, cont'd.

1. [Liquor License Applications for 2016-2017 licensing year., cont'd.](#)

- b. Liquor License Application for Margaritaville Lounge LLC, Jennifer Almeida Sandoval/Agent, 6 Tayco Street

Clerk Galeazzi reported the final inspections have not been done. The applicant reported they are waiting for the electrical work to be completed before inspections can be done. The electrical work should be completed by July 18.

Moved by Ald. Benner seconded by Ald. Taylor to postpone to July 18, 2016.

Motion carried on voice vote.

K. ORDINANCES AND RESOLUTIONS

1. [O-6-16 Ordinance Amending Title 5, Chapter 3 of the Code of Ordinances \(Smoke Detectors\). Introduced by Alderman Keehan.](#)

Moved by Ald. Benner seconded by Ald. Keehan to approve O-6-16 Ordinance Amending Title 5, Chapter 3 of the Code of Ordinances (Smoke Detectors).

Motion carried on roll call 7-0.

2. [R-23-16 Resolution Supporting Application for a 2016 Wisconsin RPC and DNR Emerald Ash Borer \(AEB\) Mitigation Grant Program. Introduced by Mayor Merkes.](#)

No action.

L. APPOINTMENTS

None

M. CLAIMS AGAINST THE CITY

1. [A motion is in order for the Common Council to issue a formal notice of disallowance for the claim of Chad Myhill and that he be advised of his statutory rights pursuant to Wis. Stats. 893.80.](#)

CA Captain explained Mr. Myhill provides no evidence that the City was negligent for the sewer/water in his basement.

Moved by Ald. Nichols seconded by Ald. Keehan to deny the claim of Chad Myhill and that he be advised of his statutory rights pursuant to Wis. Stats. 893.80.

Motion carried on roll call 7-0.

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

(five (5) minute time limit for each person)

Kathy Stahl, 225 Railroad Street, Menasha. Signage at Broad Street parking ramp only states private parking hours, does not indicate public parking hours.

Mike Hagens, N319 Breezewood Drive, Appleton. Asking City to work with Waverly Sanitary District to issue permits for Woodland Hills Subdivision.

O. ADJOURNMENT

Moved by Ald. Taylor seconded by Ald. Keehan to adjourn at 7:50 p.m.

Motion carried on voice vote.

Deborah A. Galeazzi, WCMC  
City Clerk